

1 McGREGOR W. SCOTT  
2 United States Attorney  
2 JUSTIN L. LEE  
3 Assistant United States Attorney  
3 501 I Street, Suite 10-100  
4 Sacramento, CA 95814  
4 Telephone: (916) 554-2700

5 Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 HACK TOWNSEND CULLING, JR.,  
15 Defendant.

CASE NO. 2:20-CR-00029-WBS

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: August 3, 2020

TIME: 9:00 a.m.

COURT: Hon. William B. Shubb

## STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on August 3, 2020.

2. By this stipulation, defendant now moves to continue the status conference until

22 November 16, 2020, and to exclude time between August 3, 2020, and November 16, 2020, under Local  
23 Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes police reports, body camera recordings, and photographs. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant desires additional time to conduct defense investigation,

1 consult with his client, review the discovery, and otherwise prepare for trial in this matter.

2 c) Additionally, counsel for the defendant has retained a DNA expert and has  
3 requested that the United States conduct follow up DNA testing. The follow up DNA testing is  
4 currently in progress.

5 d) Counsel for defendant believes that failure to grant the above-requested  
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
7 into account the exercise of due diligence.

8 e) The government does not object to the continuance.

9 f) Based on the above-stated findings, the ends of justice served by continuing the  
10 case as requested outweigh the interest of the public and the defendant in a trial within the  
11 original date prescribed by the Speedy Trial Act.

12 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
13 et seq., within which trial must commence, the time period of August 3, 2020 to November 16,  
14 2020, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
16 of the Court's finding that the ends of justice served by taking such action outweigh the best  
17 interest of the public and the defendant in a speedy trial.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
20 must commence.

21 IT IS SO STIPULATED.

22 Dated: July 28, 2020

23 MC GREGOR W. SCOTT  
United States Attorney

24 /s/ JUSTIN L. LEE  
25 JUSTIN L. LEE  
26 Assistant United States Attorney

1  
2 Dated: July 28, 2020

/s/ DOUGLAS J. BEEVERS

3 DOUGLAS J. BEEVERS  
4 Counsel for Defendant  
5 HACK TOWNSEND  
6 CULLING, JR.

7 **FINDINGS AND ORDER**

8 IT IS SO FOUND AND ORDERED.

9  
10 Dated: July 28, 2020

  
11 WILLIAM B. SHUBB  
12 UNITED STATES DISTRICT JUDGE